IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8788 of 2005

Between:

K.R. Reddy S/o Prabhakar
R/o Nalgonda Nalgonda District

..... PETITIONER

AND

1 The Regional Manager,

APSRTC., Nalgonda Region,

Nalgonda District
2 The Depot Manager,

APSRTC., Nalgonda Division,

Nalgonda District
3 The Depot Manager,

APSRTC., Narkatpally Depot,

Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing the proceedings No. P1/1(10)/89-NKP dated 18-04-1990 as illegal, arbitrary and unjust and consequently set a side the proceedings No 02/95(52)/99-NKP dated 06-01-2000 issued by the 3rd Respondent and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case

Counsel for the Petitioner :Mr. G.RAVI MOHAN

Counsel for the Respondents : Mr.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the stage of admission made the following :

ORDER:

Seeking to declare the action of the 2nd respondent in passing office order dated 18-04-1990, as illegal and arbitrary, the present writ petition is filed.

2. The petitioner is working as a Conductor in the respondent Corporation. He was charged on 03-01-1990, for certain irregularities in discharging his duties. He submitted his explanation. But the 2nd respondent without considering his explanation, passed office order dated 18.04.1990 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of one (1) year, which shall have effect on his future increments. Hence, the petitioner filed this writ petition.

3. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to him. Therefore, he approached this Court through this writ petition to declare that the action of the 2nd respondent is illegal and to direct the respondents to add the deferred increments.

4. It is well settled that denial of increments with cumulative effect tantamount to a major penalty such penalty cannot be imposed by the disciplinary authority, without holding a regular departmental enquiry in terms of relevant service regulations.

5. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the 2nd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of one year without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this order, to which, he is entitled.

6. The writ petition is accordingly disposed of. No costs.

K.C.BHANU, J.

Dated: 20-04-2005.

Rns

To

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1 The Regional Manager,

APSRTC., Nalgonda Region,

Nalgonda District

2 The Depot Manager,

APSRTC., Nalgonda Division,

Nalgonda District

3 The Depot Manager,

APSRTC., Narkatpally Depot,

Nalgonda District.

4 Two C.D. Copies.